

Appl. No. 10/540,831
In re LIU
Reply to Office Action of Jun. 8, 2006

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated June 8, 2006. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1-8 have been amended to correct minor informalities. No new matter has been added.

The specification has been amended to specify that the first and second sleeves 7 and 8 are also described as “rings”, which is a better translation of the original international application and reflects the structure in the original drawings. No new matter has been added. Correspondingly, claims 2, 7 and 8 have been amended to change the term “sleeve” to “ring”. No new matter has been added.

Claims 1-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Bessiere (US 3,553,507). The applicant respectfully disagrees. However, in order to expedite the prosecution of the current application, claim 1 has been amended specify that the retarder of the present invention comprises a single disc (20) separate from the central fastening ring (19) and that the disc is fixed to only one of the two rotors. The antecedent basis to this amendment could be found on page 5, lines 17-18 of the specification and Figs. 1a-1c of the present

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application. No new matter has been added. Claims 1-8 have also been amended to specify that the electromagnetic retarder is a focal retarder. Antecedent basis for this amendment could be found on page 9, line 12 of the present application. No new matter has been added.

In his arguments, the Examiner refers to three different embodiments of the retarder of Bessiere shown in Figs. 1, 3 and 4 thereof, and alleges that each of them anticipates the present invention.

Regarding the embodiment of Fig. 1: the Examiner interprets two spaced apart inner races of the bearings 19, 20 or two spaced apart hubs 10a, 11a of the rotor arms 15, 16 as a central fastening ring coupling together the first and second rotors. Also, the Examiner interprets two spaced apart coupling plates 17 and 18 as a disc adapted to connect the first and second rotors to a transmission shaft.

While recognizing that the pending claims must be given their broadest reasonable interpretation, this broadest reasonable interpretation must be 1) consistent with the specification (MPEP 904.01), and 2) consistent with the interpretation that those skilled in the art would reach, (MPEP § 2111). Clearly, those skilled in the art would not possibly interpret the spaced apart inner races of the bearings 19, 20 or two spaced apart hubs 10a, 11a of the rotor arms 15, 16 of Bessiere as a central fastening ring. Moreover, neither inner races of the bearings 19, 20 nor hubs 10a, 11a couple together the first and second rotors. Furthermore,

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those skilled in the art would not interpret two spaced apart coupling plates 17 and 18 as a single disc.

Regarding the embodiment of Fig. 3: the Examiner interprets a flange 43 of a plug 41 as both a central fastening ring and as a disc adapted to connect the first and second rotors to a transmission shaft. However, as could be clearly seen in Fig. 3, the flange 43 is fixed to both rotors (not only one, as recited in claim 1) and is positioned without longitudinal offset with respect to an axis of the retarder towards one of the rotors. Moreover, the flange 43 is not separate from the plate 29 (as recited in claim 1). Contrary to the present invention, both the plate 29 and the flange 43 are unitary parts of the same element: the plug 41.

Regarding the embodiment of Fig. 4: the Examiner interprets a plate 29 as a central fastening ring, a flange 43 of a plug 41 as a disc adapted to connect the first and second rotors to a transmission shaft. However, contrary to the present invention, the flange 43 is fixed to both rotors (not only one, as recited in claim 1), as could be clearly seen in Fig. 4. Moreover, the flange 43 is not separate from the plate 29 (as recited in claim 1). Contrary to the present invention, both the plate 29 and the flange 43 are unitary parts of the same element: the plug 41.

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Thus, Applicant respectfully submits that the applied document, *i.e.*, the retarder of Bessiere, does not meet this standard of anticipation. More specifically, Bessiere fails to disclose a single disc separate from the central fastening ring and fixed to only one of the two rotors in such a way that it is positioned in longitudinal offset relationship with respect to an axis of the retarder towards that rotor. Accordingly, the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Bessiere is improper.

Moreover, the retarder of Bessiere shown in Figs. 1, 3 and 4 thereof, is an axial retarder, as opposed to the Focal electromagnetic retarder recited in claims 1-8. The difference between the axial and focal retarders is described on page 2, lines 1-9 of the present application. Bessiere clearly discloses that coupling plates 17, 18 of the retarder are adapted to be fixed to a portion of a universal joint which the transmission, in which the transmission is interposed (see column 2, lines 28-32). Thus, it is clear that the retarder of Bessiere is an axial retarder, not a focal retarder as recited in claims 1-8. Consequently, the retarder of Bessiere includes a rotor shaft 14 supporting the rotors by bearings 19, 20 (see column 2, lines 35-38). The electromagnetic retarder of the present application, being a focal retarder, does not have a rotor shaft a rotor supporting bearings, as Focal retarders are placed directly on a transmission shaft (see page 2, lines 1-9).

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Regarding claims 2-8: the Examiner failed to substantively address any of the dependent claims. Rather the Examiner merely recites claims 2-8 of the present application. Applicant submits that claims 2-8 depend upon the base claim 1 which defines the invention over the prior art, and introduce additional limitation further defining the present invention over the prior art.

Further regarding claim 2: in order to expedite the prosecution of the current application, claim 1 has been amended specify that the disc of the present invention is fixed to only one of the sleeves by fastening means. No new matter has been added. The antecedent basis to this amendment could be found on page 13, lines 1-3 of the specification and Figs. 1a-1c of the present application. Applicant submits that the retarder of Bessiere fails to disclose the disc fixed to only one of the sleeves by fastening means.

Further regarding claims 3-5: in order to expedite the prosecution of the current application, claim 1 has been amended specify that the fastening means constitute at least one pierced ear formed on the disc. No new matter has been added. The antecedent basis to this amendment could be found on page 14, lines 16-20 of the specification and Fig. 2 of the present application.

Contrary to the Examiner's allegations, the retarder of Bessiere lacks the fastening means that constitute at least one pierced ear formed on the disc. One of ordinary skill in the

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art would readily recognize that in the mechanical art the term “ear” is defined as a permanent projection on an object for its support or for attachment of another part to it (see, for example, the Dictionary of Mechanical Engineering (1996 G.H.F. Naylor Fourth Edition)). Such a definition of the term “ear” is fully supported by the disclosure of the present application that clearly describes that “The fastening means 22 may constitute an ear 22 which projects radially. An ear 22 may be formed on an extension of the material extending from the outer periphery 25 of the disc 20, Figures 1b and 1c. The ear 22 can extend from the outer periphery 25 of the disc 20, radially with respect to the axis 21 and in the direction away from the axis 21 of the retarder” (emphases added). See page 13, lines 1-3 of the specification and Figs. 1a-1c of the present application. As clearly seen in drawing figures of Bessiere, the retarder of Bessiere fails to disclose the fastening means constitute at least one pierced ear formed on the disc. Therefore, the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Bessiere is improper.

Further regarding claim 6: Applicant submits that the retarder of Bessiere fails to disclose the fastening means extends radially from the outer periphery of the said disc.


Further regarding claim 7: Applicant submits that the retarder of Bessiere fails to disclose the fastening means interposed between the arms of one of the rotors.

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Further regarding claim 8: Applicant submits that the retarder of Bessiere fails to disclose the sleeve on which the disc is arranged to be fixed which is provided with at least one projecting element which is adapted to receive the corresponding fastening means.

It is respectfully submitted that claims 1-8 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:
Berenato, White & Stavish

By: 
Matthew Stavish
Reg. N° 36,286

6550 Rock Spring Drive, Suite 240
Bethesda, Maryland 20817
Tel. (301) 896-0600
Fax (301) 896-0607